

BURKHART, PICARD, TIDERINGTON, & McLEOD, P.L.L.C.
ATTORNEYS AT LAW

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THOMAS D. BURKHART
CHRISTOPHER A. PICARD

JAMES TIDERINGTON
TIMOTHY R. McLEOD

March 17, 2014

Court Clerk
Saginaw County Circuit Court
111 S. Michigan Avenue
Saginaw, Michigan 48603

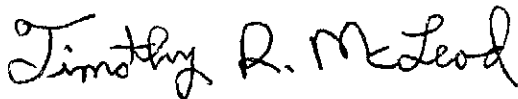
Re: Melissa Jayne Calice vs. Richard Anthony Calice, Jr.
File No. 12-017215-DM-1

Dear Court Clerk:

Enclosed please find an original Notice of Hearing and Proof of Service regarding the above entitled matter.

Yours Very Truly,

BURKHART, PICARD,
TIDERINGTON, & McLEOD, PLLC



TIMOTHY R. McLEOD

TRM:jab

Enclosures

CC: Saginaw County Friend of the Court
Thomas J. Demetriou
Melissa J. Calice

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW
FAMILY DIVISION

MELISSA JAYNE CALICE,

Plaintiff,

File No. 12-017215-DM-1

vs.

HON. FRED L. BORCHARD

RICHARD ANTHONY CALICE, JR.,

Defendant.

BURKHART, PICARD,
TIDERTINGTON, & McLEOD, PLLC
BY: TIMOTHY R. McLEOD (P29880)
THOMAS D. BURKHART (P25509)
Attorneys for Plaintiff
820 N. Michigan Avenue, P.O. Box 6055
Saginaw, Michigan 48608
(989) 753-4441

THOMAS J. DEMETRIOU (P12663)
Attorney for Defendant
4805 Towne Centre Road, Suite 101
Saginaw, Michigan 48604
(989) 793-6440

NOTICE OF HEARING

TO: CLERK OF THE COURT
Courthouse
Saginaw, MI 48602

FRIEND OF THE COURT
Courthouse
Saginaw, MI 48602

THOMAS J. DEMETRIOU
4805 Towne Centre Road, Suite 101
Saginaw, Michigan 48604

PLEASE TAKE NOTICE that Plaintiff's Motion To Show Cause Why Defendant, Richard Anthony Calice, Jr. Should Not Be Held In Contempt of Court (Fifth Finding Of Contempt) For Non-Payment of Spousal Support; Request For Entry Of Order For Sentencing Of Defendant, Richard Anthony Calice, Jr. For Failure To Purge Prior Findings Of Contempt Regarding Failure To Return Personal Property, attached hereto, will come on to be heard before the Honorable FRED L. BORCHARD, Circuit Judge, on the 11th day of April, 2014, at 9:01a.m in the forenoon or as soon thereafter as counsel may be heard.

Dated: March 11, 2014


TIMOTHY R. McLEOD (P29880)
Attorney for Plaintiff

BURKHART, PICARD, TIDERTINGTON, & McLEOD, P.L.L.C., 820 NORTH MICHIGAN AVENUE, P.O. BOX 6055, SAGINAW, MICHIGAN 48608

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW
FAMILY DIVISION

MELISSA JAYNE CALICE,

Plaintiff,

File No. 12-017215-DM-1

vs.

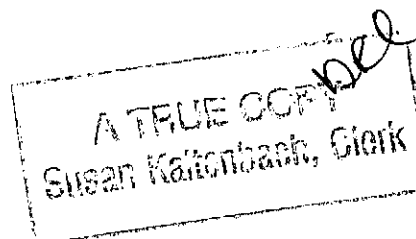
HON. FRED L. BORCHARD

RICHARD ANTHONY CALICE, JR.,

Defendant.

BURKHART, PICARD,
TIDERTINGTON, & McLEOD, PLLC
BY: TIMOTHY R. McLEOD (P29880)
THOMAS D. BURKHART (P25509)
Attorneys for Plaintiff
820 N. Michigan Avenue, P.O. Box 6055
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(989) 753-4441

THOMAS J. DEMETRIOU (P12663)
Attorney for Defendant
3262 Cabaret Trail, Suite 206
Saginaw, Michigan 48603
(989) 793-6440



PLAINTIFF'S MOTION TO SHOW CAUSE WHY DEFENDANT, RICHARD ANTHONY CALICE, JR. SHOULD NOT BE HELD IN CONTEMPT OF COURT (FIFTH FINDING OF CONTEMPT) FOR NON-PAYMENT OF SPOUSAL SUPPORT; REQUEST FOR ENTRY OF ORDER FOR SENTENCING OF DEFENDANT, RICHARD ANTHONY CALICE, JR. FOR FAILURE TO PURGE PRIOR FINDINGS OF CONTEMPT REGARDING FAILURE TO RETURN PERSONAL PROPERTY

NOW COMES, Plaintiff, MELISSA JAYNE CALICE, by and through her attorney, TIMOTHY R. McLEOD and in support of said motion states as follows:

1. On October 1st, 2013, the Court entered its Order Following Hearings Held on September 30th, 2013 and findings therein determined that Defendant, Richard Anthony Calice, Jr. was in contempt of Court for non-payment of Child Support for amounts accruing through September 30th, 2013; determine Defendant, Richard Anthony Calice, Jr. to be in contempt of Court for non-payment of

Spousal Support for calendar year 2012 and calendar year 2013 through October 1st, 2013; found Defendant, Richard Anthony Calice, Jr. to be in contempt of Court for failure to return certain personal property as identified in the Report of Special Master and found Defendant, Richard Anthony Calice, Jr. to be in contempt of Court for allowing a certain mortgage held by the parties to be foreclosed upon.

2. The Order Following Hearing Held On September 30th, 2013 further provided that Defendant, Richard Anthony Calice, Jr. may purge the contempt for non-payment of Child Support, non-payment of Spousal Support and allowing the mortgage to go into foreclosure by bringing current all past due sums no later than October 8th, 2013 and by causing the mortgage to be reinstated by October 22nd, 2013
3. Defendant, Richard Anthony Calice, Jr. has purged these contempt proceedings by making payment.
4. That Order Following Hearings Held On September 30th, 2013 further provided that Defendant, Richard Anthony Calice, Jr. may purge the contempt finding regarding the failure to return certain personal property by returning said personal property to Plaintiff on or before October 22nd, 2013.
5. On November 8th, 2013, the Court entered its Order Establishing Custody and Parenting Time, pertinent provisions of which provided that Child Support and Spousal Support as currently ordered shall be continue to be paid until further order of the Court.
6. No subsequent orders have been entered altering Defendant, Richard Anthony Calice, Jr.'s payment responsibilities for Child Support or Spousal Support.
7. That Defendant, Richard Anthony Calice, Jr. has failed to make Spousal Support payments of \$637.00 per month for the period November, and December, 2013, January, February, and March, 2014. The outstanding Spousal Support amount due is \$3,185.00.
8. Upon information and belief, Defendant, Richard Anthony Calice, Jr. has overpaid Child Support to Plaintiff for the months of November and December, 2013 and January and February, 2014 in the amount of \$763.00.
9. That Defendant, Richard Anthony Calice, Jr.'s conduct is clearly contemptuous and represents a repetitive disregard for this Court's authority.
10. The Order Following Hearings Held On September 30th, 2013 provides in pertinent part:

“ IT IS FURTHER ORDERED AND ADJUDGED that
in the event Defendant, Richard Anthony Calice, Jr. fails to purge

as provided herein any of the contempt findings by the applicable date then he shall appear before this Court for sentencing on the contempt findings."


11. That Defendant, Richard Anthony Calice, Jr. has failed to return the personal property as established by the attached Affidavit of Plaintiff, Melissa Jayne Calice and should be made to appear for sentencing on the contempt findings, see attached affidavit.

WHEREFORE, Plaintiff, Melissa Jayne Calice requests this Court:

- A. Enter an order to show cause why Defendant, Richard A. Calice, Jr. should not be held in contempt of Court for non-payment of Spousal Support and to permit service of said order and petition by ordinary mail upon Defendant's attorney;
- B. Enter its order for sentencing directing Defendant, Richard A. Calice, Jr. to personally appear for sentencing in this matter for failure to purge the contempt findings against him regarding return of the personal property;
- C. Determine appropriate sanctions for Defendant's contemptuous conduct including incarceration.
- D. The Court direct Defendant, Richard Anthony Calice, Jr. to immediately pay Plaintiff's attorney fees in the amount of \$750.00 and motion expenses in the amount of \$20.00 necessitated by Defendant's contemptuous conduct.
- E. Grant Plaintiff any and all other relief deemed fair and equitable by this Court.

BURKHART, PICARD,
TIDERTON, & McLEOD, PLLC

Dated: March 11, 2014


TIMOTHY R. McLEOD (P29880)
Attorney for Plaintiff

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW
FAMILY DIVISION**

MELISSA JAYNE CALICE,

Plaintiff,

File No. 12-017215-DM-1

vs.

HON. FRED L. BORCHARD

RICHARD ANTHONY CALICE, JR.,

Defendant.

BURKHART, PICARD,
TIDERTINGTON, & McLEOD, PLLC
BY: TIMOTHY R. McLEOD (P29880)
THOMAS D. BURKHART (P25509)

Attorneys for Plaintiff
820 N. Michigan Avenue
P.O. Box 6055
Saginaw, Michigan 48608
(989) 753-4441

THOMAS J. DEMETRIOU (P12663)
Attorney for Defendant
3262 Cabaret Trail, Suite 206
Saginaw, Michigan 48603
(989) 793-6440

**AFFIDAVIT OF PLAINTIFF, MELISSA JAYNE CALICE ATTESTING TO NON-
RECEIPT OF SPOUSAL SUPPORT**

Melissa Jayne Calice being duly sworn states:

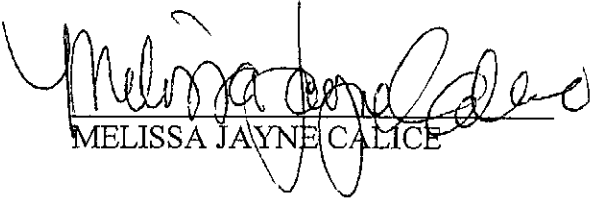
1. That the statements set forth in this Affidavit are based upon personal knowledge;
2. That if sworn as a witness in this matter, I can testify competently to the facts stated in this affidavit;
3. On October 1st, 2013, the Court entered its Order Following Hearings Held On September 30th, 2013 and by this order, found Defendant, Richard Anthony Calice, Jr. in contempt of Court for non-payment of Child Support;

non-payment of Spousal Support; for failing to return certain personal property and for allowing a mortgage held by the parties to enter default;

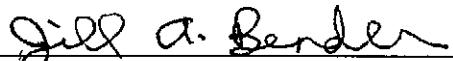
4. I have received no payment from Defendant, Richard Anthony Calice, Jr. for Spousal Support for the periods November and December, 2013 and January, February and March, 2014.

Further deponents sayeth not,

Dated: March 10, 2014


MELISSA JAYNE CALICE

Subscribed and sworn to before me, a Notary Public, this 10th day of March, 2014.


JILL A. BENDER, Notary Public
Saginaw County, Michigan
My Commission expires: 09-02-2017

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW
FAMILY DIVISION

MELISSA JAYNE CALICE,

Plaintiff,

File No. 12-017215-DM-1

vs.

HON. FRED L. BORCHARD

RICHARD ANTHONY CALICE, JR.,

Defendant.

BURKHART, PICARD,
TIDERINGTON, & McLEOD, PLLC
BY: TIMOTHY R. McLEOD (P29880)
THOMAS D. BURKHART (P25509)
Attorneys for Plaintiff
820 N. Michigan Avenue, P.O. Box 6055
Saginaw, Michigan 48608
(989) 753-4441

THOMAS J. DEMETRIOU (P12663)
Attorney for Defendant
3262 Cabaret Trail, Suite 206
Saginaw, Michigan 48603
(989) 793-6440

ORDER TO SHOW CAUSE

AT A SESSION OF SAID COURT HELD IN THE COURT
HOUSE IN THE CITY OF SAGINAW, COUNTY OF
SAGINAW, STATE OF MICHIGAN, ON THE 13th DAY
OF MARCH, 2014.

PRESENT: HON. FRED L. BORCHARD, Circuit Judge

Upon the filing and reading of the Motion of Plaintiff, MELISSA JAYNE CALICE, JR., to show cause why the Defendant, RICHARD ANTHONY CALICE, JR., should not be held in contempt of Court wherein it is alleged that he violated various terms and conditions of the this Court's October 1st, 2013 Order Following Hearings Held September 30th, 2013 for non-payment of Spousal Support.

A TRUE COPY
Susan Kaltenbach, Clerk

BURKHART, PICARD, TIDERINGTON, & McLEOD, PLLC, 820 NORTH MICHIGAN AVENUE, P.O. BOX 6055, SAGINAW, MICHIGAN 48608

IT IS ORDERED that the Defendant, RICHARD ANTHONY CALICE, JR., appear before this Court on the 14th day of April, 2014 at 9:01 o'clock in the forenoon, then and there to show cause why he should not be adjudged guilty of contempt of Court for violating this Court's October 1st, 2013 Order Following Hearings Held on September 30th, 2013.

IT IS FURTHER ORDERED that a copy of said Motion and Order to Show Cause served upon the Defendant's attorney by ordinary mail shall constitute proper service.

FRED L. BORCHARD
F11003

FRED L. BORCHARD
Circuit Judge

Countersigned:

Priscilla R. Whaley

Deputy Clerk

PREPARED BY:

BURKHART, PICARD,
TIDERINGTON, & McLEOD, PLLC
BY: TIMOTHY R. McLEOD (P29880)
THOMAS D. BURKHART (P25509)
Attorneys for Plaintiff
820 N. Michigan Avenue
P.O. Box 6055
Saginaw, Michigan 48608
(989) 753-4441

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW
FAMILY DIVISION

MELISSA JAYNE CALICE,

Plaintiff,

File No. 12-017215-DM-1

vs.

HON. FRED L. BORCHARD

RICHARD ANTHONY CALICE, JR.,

Defendant.

BURKHART, PICARD,
TIDERINGTON, & McLEOD, PLLC
BY: TIMOTHY R. McLEOD (P29880)
THOMAS D. BURKHART (P25509)
Attorneys for Plaintiff
820 N. Michigan Avenue, P.O. Box 6055
Saginaw, Michigan 48608
(989) 753-4441

THOMAS J. DEMETRIOU (P12663)
Attorney for Defendant
3262 Cabaret Trail, Suite 206
Saginaw, Michigan 48603
(989) 793-6440

**ORDER TO APPEAR FOR SENTENCING ON CONTEMPT FINDINGS REGARDING
FAILURE TO RETURN PERSONAL PROPERTY**

AT A SESSION OF SAID COURT HELD IN THE
COURTHOUSE IN THE CITY OF SAGINAW, COUNTY OF
SAGINAW, AND STATE OF MICHIGAN, ON THE 13th
DAY OF March, 2014, A.D.

PRESENT: HON. FRED L. BORCHARD, CIRCUIT JUDGE

On October 1st, 2013, this Court entered its Order Following Hearings Held On September 30th, 2013.

Pertinent provisions of said Order Following Hearings Held On September 30th, 2013 found Defendant, Richard Anthony Calice, Jr. in contempt of Court for non-payment of Child Support; found Defendant, Richard Anthony Calice, Jr. in contempt of Court for non-payment of Spousal Support; found Defendant, Richard Anthony Calice, Jr. in contempt of Court by failing to return certain personal property as identified in the Report of Special Master dated July 9th,

AT TRUE COPY

Susan Kaltenbach, Clerk

BURKHART, PICARD, TIDERINGTON, & McLEOD, PLLC, 820 NORTH MICHIGAN AVENUE, P.O. BOX 6055, SAGINAW, MICHIGAN 48608

2013 and found Defendant, Richard Anthony Calice, Jr. in contempt of Court for allowing a certain parcel of real estate owned by the parties to enter default.

Pertinent provisions of the Order Following Hearings Held September 30th, 2013 provided that Defendant, Richard Anthony Calice, Jr. may purge his contempt of Court for non-return of certain personal property by causing all personal property specified to be returned on the referenced list to Plaintiff on or before October 22nd, 2013.

Pertinent provisions of the Order Following Hearings Held September 30th, 2013 further provides that in the event Defendant, Richard Anthony Calice, Jr. fails to purge as provided in the order, any of the contempt findings by the applicable date then he shall appear before this Court for sentencing on the contempt findings.

Plaintiff, Melissa Jayne Calice has filed her Affidavit attesting to the fact that the items of personal property have not been returned.

NOW THEREFORE:

IT IS HEREBY ORDERED AND ADJUDGED the Defendant, Richard Anthony Calice, Jr. shall personally appear before this Court on the 11th day of April, 2014 at 9:01 AM to be sentenced on the contempt findings.

FRED L. BORCHARD
PT1006

FRED L. BORCHARD
Circuit Judge

Countersigned:

Priscilla R. Whaley

Deputy Clerk

Prepared By:

BURKHART, PICARD,
TIDERTINGTON, & MCLEOD, P.L.L.C.
BY: TIMOTHY R. MCLEOD (P29880)
Attorney for Plaintiff
820 North Michigan Avenue
P.O. Box 6055
Saginaw, Michigan 48608
(989) 753-4441

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW
FAMILY DIVISION**

MELISSA JAYNE CALICE,

Plaintiff,

File No. 12-017215-DM-1

vs.

HON. FRED L. BORCHARD

RICHARD ANTHONY CALICE, JR.,

Defendant.

BURKHART, PICARD,
TIDERTINGTON, & McLEOD, PLLC
BY: TIMOTHY R. McLEOD (P29880)
THOMAS D. BURKHART (P25509)

Attorneys for Plaintiff
820 N. Michigan Avenue
P.O. Box 6055
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(989) 753-4441

THOMAS J. DEMETRIOU (P12663)
Attorney for Defendant
3262 Cabaret Trail, Suite 206
Saginaw, Michigan 48603
(989) 793-6440

**AFFIDAVIT OF PLAINTIFF, MELISSA JAYNE CALICE ATTESTING TO NON-
RECEIPT OF PERSONAL PROPERTY**

Melissa Jayne Calice being duly sworn states:

1. That the statements set forth in this Affidavit are based upon personal knowledge;
2. That if sworn as a witness in this matter, I can testify competently to the facts stated in this affidavit;
3. On October 1st, 2013, the Court entered its Order Following Hearings Held On September 30th, 2013 and by this order, found Defendant, Richard Anthony Calice, Jr. in contempt of Court for non-payment of Child Support;

A TRUE COPY
Susan Kaltenbach, Clerk

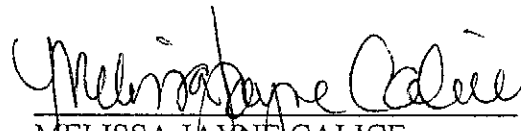
BURKHART, PICARD, TIDERTINGTON, & McLEOD, PLLC, 820 NORTH MICHIGAN AVENUE, P.O. BOX 6055, SAGINAW, MICHIGAN 48608

non-payment of Spousal Support; for failing to return certain personal property and for allowing a mortgage held by the parties to enter default;

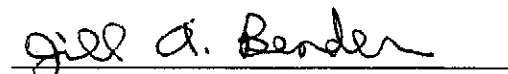
4. The Order Following Hearings Held On September 30th, 2013 provides that Defendant, Richard Anthony Calice, Jr. may purge his contempt by returning these items of Personal Property to me by no later than October 22nd, 2013;
5. On October 24th, 2013, a U-Haul trailer was delivered to my residence with random and unrequested items including linens, the children's twin mattresses, the twin beds, household linens, broken and unorganized toys, etc. All requested items specified by Special Master, William A. Brisbois to be returned to Plaintiff were not returned.
6. The items which Defendant, Richard Anthony Calice, Jr. has failed to return are delineated on the attached list, a copy of which was provided to Defendant's counsel by correspondence dated October 29th, 2013, see attached.

Further deponents sayeth not,

Dated: March 10, 2014


MELISSA JAYNE CALICE

Subscribed and sworn to before me, a Notary Public, this 10th day of March, 2014.


JILL A. BENDER, Notary Public
Saginaw County, Michigan
My Commission expires: 09-02-2017

10/28/13

U-Haul Contents

The 5 X 8 uhaul was filled with random and unrequested items including linens, the childrens twin mattress', the twin beds, household linens, broken and unorganized toys (no complete game or set), art supplies, some childrens books, and a fiberboard puppet show façade. Majority of Contents were not requested and viewed as junk.

Returned items that were requested and have NOT BEEN RETURNED

Mia's dresser

The buffet to the dining room set. However, it's content which include Kate Spade China service for 12, covered serving dish, serving platter and uncovered serving dish with 12 tidbit plates.

Le Creuset Pot

Le Creuset Baker

Wustof Knives

Fiesta Dishes (6)

Red Fiesta dishes and serving ware

All Clad Pots

Dyson Vacuum

Self-mde aert that was given to me by friends and relatives

Access to all photographsy physical and online

Baby picture collage I made for each child

Wallace Silverware

"You Are Special Today" plate

Christmas decorations including ALL small houses and churches

Crockpot

Wooden baskets and bedside tables on either side of the master bedroom

DK Brown bookshelf in the basement

Mia's American Girl Doll

Turquoise Lamp

Large red Waterford bowl

Crate and Barrel mixing bowls

BURKHART, PICARD, TIDERINGTON, & MCLEOD, P.L.L.C.
ATTORNEYS AT LAW

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THOMAS D. BURKHART
CHRISTOPHER A. PICARD

JAMES TIDERINGTON
TIMOTHY R. MCLEOD

October 29, 2013

Thomas J. Demetriou
Attorney at Law
3262 Cabaret Trail, Suite 206
Saginaw, Michigan 48603

Via E-mail: tjd@tomdemetriou.com

Re: Melissa Jayne Calice vs. Richard Anthony Calice, Jr.

Dear Mr. Demetriou:

We met on October 24th, 2013 to discuss the scheduled trial date in the above matter.

On either Monday, October 21st, 2013 or Tuesday, October 22nd, 2013, I spoke with Sue at your office who advised me that Tony would be coming into town with a U-Haul presumably to deliver personal property to Melissa to purge a finding of contempt in regards to these items.

You and I met on October 24th, 2013 to discuss upcoming court dates. During this meeting, potential Parenting Time was discussed.

I urged the parties to discuss this between themselves since it's time for them to start doing this and take the attorneys out of the loop.

Be mindful that as of October 24th, 2013, Melissa and Tony had not spoken to each other for many, many months and Tony had not had any contact with his children for seven plus weeks.

I am advised that Tony contacted Melissa Thursday evening, not to discuss Parenting Time but to dictate to her that he would be picking the children up the next day after school and keeping them over the weekend. He did not discuss nor seem to concern himself with prior plans i.e. soccer games, birthday parties, etc. that were already in place.

Melissa attempted to accommodate him by suggesting Friday after school until Saturday during the afternoon. This was rejected.

You are suggesting "...even though discussing the situation with the Saginaw Township police officer, Melissa refused to turn over the children to Tony..." that Melissa ignored a police recommendation regarding Parenting Time. This is inaccurate. I am advised the attendant indicated to the parties the Saginaw Township Police would not become involved in Parenting Time issues as these were civil matters and in fact provided Tony with a Friend of the Court make-up petition.

Page 2

October 29, 2013

Re: Melissa Jayne Calice vs. Richard Anthony Calice, Jr.

I am further advised that the attendant, who I will subpoena for trial, determined that Tony's conduct towards Melissa justified the offer of an escort police officer which was provided to Melissa.

Melissa followed up with another offer indicating she would transport the children down to Tony's parents' home for an afternoon visit seeking assurances from him that they would be available for return by 5:00 p.m. This was ignored by Tony.

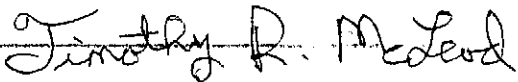
It is indeed a "sad commentary" on how these events are unfolding. I have forwarded your e-mail on to Melissa inquiring about Parenting Time for the upcoming weekend. I will be back in the office Wednesday morning and will contact her following up with you either in the morning or when see each other Wednesday afternoon at Judge Borchard's court. I have checked the schedule and 2:30 p.m. seems to be a time we can get in there without too much docket activity.

The contempt proceedings regarding Tony's violation of the Temporary Restraining Order are scheduled for the morning of trial. I will also be requesting an Order of Sentencing on his contempt for failure to return the personal property. See attached list of items yet to be returned.

Thank You.

Yours Very Truly,

BURKHART, PICARD,
TIDERTINGTON, & McLEOD, PLLC



TIMOTHY R. McLEOD

TRM:jab

CC: Melissa J. Calice via e-mail

10/28/13

U-Haul Contents

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